

No. 07-02067

IN THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

**THE AMERICAN CIVIL LIBERTIES UNION OF NEW MEXICO;
THE LEAGUE OF WOMEN VOTERS OF
ALBUQUERQUE/BERNALILLO COUNTY, INC.;
SAGE COUNCIL; NEW MEXICO COALITION TO
END HOMELESSNESS; ANNE KASS; ALEXANDRA
KAZARAS, and BARBARA GROTHUS,**

Plaintiffs/Appellees,

vs.

**MILLIE U. SANTILLANES,
ALBUQUERQUE CITY CLERK,**

Defendant/Appellant.

**UNOPPOSED MOTION OF BRENNAN CENTER FOR JUSTICE
AT NYU SCHOOL OF LAW
FOR LEAVE TO FILE BRIEF AMICUS CURIAE**

With the consent of all parties, the Brennan Center for Justice at NYU School of Law (“the Brennan Center”) respectfully requests leave to file the enclosed Brief Amicus Curiae in support of plaintiffs/appellees and affirmance. As grounds for its Motion, the Brennan Center states as follows:

1. The Brennan Center is a nonpartisan institute dedicated to a vision of effective and inclusive democracy. The Brennan Center unites the intellectual

resources of the academy with the pragmatic expertise of the bar to assist courts and legislatures in developing practical solutions to difficult problems in areas of special concern to the late Justice William Brennan, Jr. Through its Voting Rights and Elections project, the Brennan Center seeks to protect rights to equal electoral access and full political participation.

2. The Brennan Center's Voting Rights and Elections project has extensively addressed issues relating to alleged voter fraud and methods for preventing it, by tracking the national experience with legislation relating to election fraud, co-authoring two major reports on the subject, and participating as counsel or amicus in a number of federal and state cases involving voting and election issues. Of particular relevance here, the Brennan Center has participated as amicus curiae in cases in Georgia, Indiana, and the district court here, which involved constitutional challenges to statutes requiring photo identification ("photo ID") as a condition for in-person voting.

3. Because of its expertise regarding the national experience with regulations that require voters to present identification before voting, the Brennan Center is uniquely positioned to apprise the Court of the need for photo ID requirements like Albuquerque's. The proposed amicus brief addresses the weight to be given the City of Albuquerque's asserted interest in requiring a photo ID as a condition for in-person voting by focusing on experience across the nation that may

assist this Court in evaluating that interest and the need to impose any burden of the kind imposed by the photo ID requirement. To that end, the proposed amicus brief describes reports and studies of voting fraud and the federal and state methods of addressing such fraud, including alternative procedures for confirming voter identity. We believe that this amicus brief will assist the court in deciding this case.

4. Counsel for all parties have informed the Brennan Center that the parties do not oppose the filing of this motion, or the filing of an amicus brief by the Brennan Center.

September 17, 2007

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that I have this day caused a true and correct copy of the foregoing UNOPPOSED MOTION OF BRENNAN CENTER FOR JUSTICE AT NYU SCHOOL OF LAW FOR LEAVE TO FILE BRIEF AMICUS CURIAE to be served by Federal Express overnight delivery on the following:

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/s/ J. Adam Skaggs
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